

82 Nov. 15

STATE REGISTER

STATE OF MINNESOTA

RECEIVED

NOV 15 1982

LEGISLATIVE REFERENCE LIBRARY
STATE CAPITOL
ST. PAUL, MN. 55155



VOLUME 7, NUMBER 20

November 15, 1982

Pages 725-760



Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 7			
21	Monday Nov 8	Monday Nov 15	Monday Nov 22
22	Monday Nov 15	Monday Nov 22	Monday Nov 29
23	Monday Nov 22	Monday Nov 29	Monday Dec 6
24	Monday Nov 29	Monday Dec 6	Monday Dec 13

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 15.051. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.25 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

Albert H. Quic
Governor

Carol Anderson Porter
Editor

James J. Hiniker, Jr.
Commissioner
Department of Administration

Paul Hoffman, Robin PanLener, Roy Schmidtke, Jean Walburg
Editorial Staff

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Margaret Connelly
State Register Index Editor

Debbie Kobold
Circulation Manager

CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Inclusive for Issues 14-20 728

PROPOSED RULES

Administration Department

Cable Communications Board

Proposed Rule Governing Access to Multiple Unit Dwellings [notice of hearing] 730

Agriculture Department

Agronomy Services Division

Proposed Amendments to Rules Governing Fertilizer Labels and Labeling Requirements and the Proposed Adoption of Rules Governing the Storage and Handling of Liquid and Dry Commercial Fertilizers and Soil and Plant Amendments Labels and Labeling Requirements [notice of hearing] 733

Commerce Department

Insurance Division

Proposed Rules Governing Deregulation of Workers' Compensation Insurance Rates during Transition to Competitive Rating Effective January 1, 1986 [notice of hearing] 743

Employee Relations Department

Proposed Rules Governing the State Personnel System [notice of hearing] 744

Health Department

Environmental Health Division

Proposed Rules Governing Registration of Engineers and Construction of Monitoring Wells [notice of intent to adopt rules without a public hearing] 746

Board of Nursing

Proposed Amendments to Rules Relating to Licensure Fees, Examinations, Continuing Education for Professional Nurses and Reregistration [notice of intent to adopt rules without a public hearing] 749

ADOPTED RULES

Commerce Department

Insurance Division

Adopted Rules Governing Private Passenger Automobile Surcharge Disclosure 753

SUPREME COURT

Decisions Filed Friday, November 5, 1982

81-228 State of Minnesota v. Gary Richard Lohmeier, Appellant. Kanabec County 754
82-647 Duncan Electric Co., Inc. v. Trans Data, Inc., Appellant. Hennepin County 754
81-721 State of Minnesota v. Jon Joseph Williams, Appellant. Ramsey County 754
81-1236 Richard Hovet v. City of Bagley, Appellant. Ramsey County 754
82-65 Flora Fischer, *et al.*, Appellants, v. City of Sauk Rapids. Benton County 754
81-1331 State of Minnesota v. Charles Jackson, Appellant. Hennepin County 755
82-56 State of Minnesota v. Brad Suedel, Appellant. Hennepin County 755
52031 In the Matter of the Application for the Discipline of Dennis J. Murphy an Attorney at Law of the State of Minnesota. Supreme Court 755

Order Filed October 25, 1982

81-657 Minnesota Board of Medical Examiners v. Thomas E. Murr. D. C., Appellant. Dakota County 755

STATE CONTRACTS

Administration Department

Rental of Office Space 755

Agriculture Department

Marketing and International Trade Division

Audio-Visual Production 755

OFFICIAL NOTICES

Minnesota State Advisory Council for Vocational Education

Notice of Meeting 756

State Treasurer's Office

Outside Opinion Sought on Proposed Rules Governing Procedure for Obtaining Approval of Alternative Form of Contractors' Retainage 756

Transportation Department

Technical Services Division

Appointment and Scheduled Meeting of a State Aid Standards Variance Committee 757

Transportation Department

Petition of the County of Washington for a Variance from State Aid Standards for Design Speed 758

NOTICE

How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the State Register. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION. Such notices are published in the OFFICIAL NOTICES section. Proposed rules and adopted rules are published in separate sections of the magazine.

The PROPOSED RULES section contains:

- Calendar of Public Hearings on Proposed Rules.
• Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
• Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
• Proposed temporary rules.

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
• Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
• Notice of adoption of temporary rules.
• Adopted amendments to temporary rules (changes made since the proposed version was published).

All ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted TEMPORARY RULES appear in the State Register but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The State Register publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Table with 2 columns: Issue/Rule Number and Cumulative Listing. Includes: Issues 1-13, inclusive; Issues 14-25, inclusive; Issue 26, cumulative for 1-26; Issue 27-38, inclusive; Issue 39, cumulative for 1-39; Issues 40-51, inclusive; Issue 52, cumulative for 1-52.

The listings are arranged in the same order as the table of contents of the MCAR.

MCAR AMENDMENTS AND ADDITIONS

TITLE 2 ADMINISTRATION

Part 1 Administration Department

2 MCAR §§ 1.8001-1.8024 (notice of withdrawal) 517
2 MCAR §§ 1.8001-1.8023 (additional notice) 517

Part 2 Employee Relations Department

2 MCAR §§ 2.300-2.303, 2.306-2.307, 2.311-2.312, 2.316-2.326, 2.341-2.347, 2.351-2.355, 2.361-2.370, 2.381, 2.391-2.397, 2.401-2.417 (proposed) 465
2 MCAR §§ 2.308, 2.331-2.333, 2.371 (proposed) 744
2 MCAR § 2.010 (proposed repeal) 744
2 MCAR §§ 2.001-2.004, 2.011, 2.022-2.023, 2.029-2.030, 2.038-2.042, 2.044, 2.046, 2.049, 2.056, 2.061, 2.064-2.068, 2.084-2.085, 2.088, 2.090-2.091, 2.096, 2.118, 2.179, 2.182, 2.198, 2.201-2.202, 2.205, 2.208, 2.212, 2.2121, 2.215, 2.222, 2.224-2.225, 2.227-2.231, 2.233, 2.236-2.237, 2.2371, 2.239, 2.245, 2.249, 2.2491, 2.251-2.252, 2.255-2.256, 2.2561, 2.258-2.260, 2.2601, 2.261-2.264, 2.290-2.293 (proposed repeal) 465

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.0325-1.0326, 1.0327 (Agr 322), 1.0328 (proposed) 733
Agr 319-321, 323 (proposed repeal) 733
3 MCAR §§ 1.4035-1.4040 (adopted) 561

TITLE 4 COMMERCE

Part 1 Commerce Department

Uniform Conveyancing Blanks to Replace Uniform Conveyancing Blanks 54-M through 57-M (Contracts Deed) and 58-M and 59-M (Assignments of Contracts

for Deed), Originals of Which are Filed with the Secretary of State, and Copies of Which Are Set Out following Minn. Stat. Ann. Ch. 507; Creating Two New Residential Mortgage Blanks and an Affidavit of Identity and Survivorship for Death occurring after December 31, 1979 (proposed) 562
4 MCAR §§ 1.0100 (BD 100), 1.0101 (BD 101), 1.0102 (BD 103), 1.0103 (BD 104), 1.0104 (BD 105), 1.0105 (BD 106), 1.0106 (BD 107), 1.0107 (BD 109), 1.0120 (BD 120) 1.0121 (BD 121), 1.0122 (BD 122), 1.0123 (BD 123), 1.0124 (BD 124) (proposed) 668
BD 102, BD 108, BD 124, BD 125, BD 126 (proposed repeal) 668
4 MCAR §§ 1.41500-1.41503, 1.41505, 1.41514-1.41552 (adopted) 562
4 MCAR §§ 1.9081-1.9088 (adopted) 753
4 MCAR §§ 1.9140-1.9143 (proposed) 582
4 MCAR §§ 1.9140-1.9143 (notice of hearing) 743
4 MCAR § 1.9142 (proposed for repeal effective Jan. 1, 1986) 582

Part 2 Energy, Planning and Development Department

4 MCAR §§ 2.501-2.508 (proposed) 606

Part 4 Cable Communications Board

4 MCAR §§ 4.240-4.243 (proposed) 730

Part 10 Cosmetology Board

4 MCAR §§ 10.100-10.143 (proposed) 625

TITLE 5 EDUCATION

Part 1 Education Department

EDU 143 Temp-EDU 146 Temp (adopted) 609
EDU 142 C. (temporarily suspended) 609
EDU 143-150 (proposed) 600

MCAR AMENDMENTS AND ADDITIONS

EDU 142 C. (proposed repeal)	600
EDU 4, 5, 6, 7, 21, 23, 40, 42, 43, 44, 45, 46, 420, 421, 422, 423, 424, 425 (proposed)	586
5 MCAR §§ 1.0010-1.0011, 1.00201, 1.00301, 1.0036-1.0037, 1.00401-1.00402, 1.0760-1.0762, 1.07631, 1.07641, 1.07642, 1.0800-1.0805 (proposed)	586
EDU 1, 2, 3, 4 E., 4 F., 5 D., 6 A.1., 9, 20, 21 B., 22, 23 A.4., 23 A.5., 23 B.1., 23 B.2., 30, 32 A., 32 B., 32 C., 32 D.1., 40 A.1., 40 A.2., 40 A.3.b., 40 A.4., 40 A.4.a., 40 A.4.b., 40 A.4.c., 40 A.4.c.(1), 40 A.4.c.(2), 40 A.4.c.(3), 40 A.5., 40 B., 40 C., 40 D., 40 E., 40 F., 40 G., 41, 42 B.1., 42 B.2., 42 B.3., 42 D.3., 42 D.3.a., 42 D.3.b.(1), 42 D.3.b.(2), 42 D.3.c., 42 D.3.d., 42 D.3.d.(1), 43 A.2., 43 A.2.a., 43 A.2.b., 43 A.2.c., 43 A.2.d., 43 A.3., 43 B.1.a., 43 B.1.b., 43 B.1.c., 43 B.1.d., 43 B.2., 43 C., 43 C.1., 43 C.2., 43 C.2.a., 43 C.2.b., 43 C.2.c., 45 A.2.b., 46 D., 140 A., 140 B., 141, 142, 160, 161, 162, 327, 561, 700, 702, 703, 704, 705, 706, 5 MCAR §§ 1.0761 D., 1.0762 G.3. and G.4., 1.0763, 1.0764, 1.0766, 1.0767, 1.0768, 1.0769 (proposed repeal)	586
5 MCAR §§ 1.01031-1.01032 (proposed)	605
5 MCAR §§ 1.0782, 1.0786, 1.0791 (adopted)	481
TITLE 6 ENVIRONMENT	
Part 4 Pollution Control Agency	
6 MCAR § 4.0001 (adopted)	704
TITLE 7 HEALTH	
Part 1 Health Department	
7 MCAR §§ 1.210, 1.212, 1.216 (proposed)	746
7 MCAR §§ 1.217 C.4., 1.218 D. (proposed repeal)	746
7 MCAR §§ 1.239, 1.2395, 1.250, 1.255, 1.314 (proposed)	517

Part 5 Board of Nursing	
7 MCAR §§ 5.1002, 5.1004, 5.1021, 5.1031, 5.1033, 5.2002-5.2003, 5.2021, 5.2030, 5.2033 (proposed)	749
7 MCAR §§ 5.1050-5.1101, 5.2040-5.2091, 5.3002 C. and D. (proposed repeal)	693
7 MCAR §§ 5.3000-5.3021 (proposed)	693

TITLE 10 PLANNING

Part 1 Energy, Planning and Development (State Planning Agency)

10 MCAR §§ 1.500, 1.505, 1.510, 1.515, 1.520, 1.525, 1.530, 1.535, 1.540, 1.545, 1.550, 1.555, 1.560, 1.565 (adopted)	566
-----------------------------------------------------------------------------------------------------------------------------------	-----

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department

11 MCAR §§ 1.2094, 1.2140 (proposed)	528
--------------------------------------------	-----

TITLE 12 SOCIAL SERVICES

Part 2 Public Welfare Department

12 MCAR §§ 2.0551 [Temp]-2.0554 [Temp] (proposed)	672
12 MCAR §§ 2.494, 2.504, 2.509, 2.840 (proposed)	536

Part 3 Housing Finance Agency

12 MCAR § 3.051 [Temp] (proposed)	672
12 MCAR § 3.002 [Temp] (adopted)	610
12 MCAR § 3.139 [Temp] (proposed)	671
12 MCAR § 3.1395 [Temp] (proposed)	670

TITLE 13 TAXATION

Part 1 Revenue Department

13 MCAR § 1.6007 (adopted)	481
----------------------------------	-----

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
 2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
 3. of the manner in which persons shall request a hearing on the proposed rules;
- and
4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Administration Cable Communications Board

Proposed Rule Governing Access to Multiple Unit Dwellings

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes, section 15.0412, subd. 4 on the above captioned matter at the Cable Communications Building, 500 Rice Street, Saint Paul, MN commencing at 9:00 a.m. on December 20, 1982, and continuing until all persons have had an opportunity to be heard.

A copy of the proposed rules is attached to this notice.

Copies of this proposed rule may be obtained by writing the Cable Communications Board, 500 Rice Street, Saint Paul, Minnesota 55103. Additional copies of this proposed rule will be distributed at the December 20, 1982 hearing.

The statutory authority of the board to adopt these rules is provided in Minn. Stat. § 238.06 and in Minn. Stat. § 238.05 (1982).

Notice: The proposed rule may be modified as the result of the hearing process. The board therefore strongly urges those who are potentially affected in any manner by the proposed rule to participate in the hearing process.

All interested or affected persons will have an opportunity to participate concerning the proposed rule. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearings, written statements or material may be submitted to Hearing Examiner Peter C. Erickson, Office of Administrative Hearings, 400 Summit Bank Building, 310 South 4th Avenue, Minneapolis, MN 55415, either before the hearings or within five (5) working days after the close of the hearing, unless the hearing examiner orders at the hearing that the record will remain open for a longer period not to exceed twenty (20) calendar days. All such statements will be entered into and become part of the record. For those wishing to submit written statements or exhibits, it is requested, but not required, that at least three (3) copies be furnished. In addition, in order to save time and avoid duplication, it is suggested, but not required, that those persons, organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearings shall be governed by the rules of the Office of Administrative Hearings, 9 MCAR §§ 2.101-2.113 (Minnesota Code of Agency Rules), and by Minn. Stat. §§ 15.0411-15.0417 and 15.052. Questions relating to procedures may be directed to Hearing Examiner Peter C. Erickson.

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the agency and at the Office of Administrative Hearings. This statement of need and reasonableness will include a summary of all the evidence and argument which the board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the board may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the board. If you desire

to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to the board (in the case of the board's submission or resubmission to the Attorney General).

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1980) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including *his own* traveling expenses, and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone: (612) 296-5615.

W. D. Donaldson
Executive Director

Rules as proposed (all new material)

Chapter seventeen: Access to Multiple Dwelling Units

4 MCAR § 4.240 Definitions.

A. Scope. The terms used in 4 MCAR §§ 4.240-4.243 have the meanings given them in this rule.

B. Association member. "Association member" means a person or entity having membership and property rights in a condominium association.

C. Cable communications system. "Cable communications system" has the meaning given in Minnesota Statutes, section 238.02.

D. Condominium association. "Condominium association" means a condominium governing body which determines which services may have access to a condominium complex.

E. Condominium complex. "Condominium complex" means a site, lot, field, tract of land or water, townhouse, cooperative, or other dwelling facility containing more than one dwelling unit in which dwelling unit ownership is vested in or being acquired by one or more occupants of the facility.

F. Dwelling unit. "Dwelling unit" means a single unit providing complete, independent, living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

G. Manufactured home park. "Manufactured home park" means a site, lot, field, or tract of land upon which two or more occupied manufactured homes are located.

H. Mobile home park. "Mobile home park" means a manufactured home park.

I. Multiple dwelling complex. "Multiple dwelling complex" means a site, lot, field, or tract of land or water, other than a condominium, manufactured home park, or mobile home park, containing more than one occupied dwelling unit.

J. Property owner. "Property owner" means a landlord, organization, or other person controlling access to a condominium complex, a manufactured home park, a mobile home park, or a multiple dwelling complex.

K. Resident. "Resident" means a person or entity paying rent to a property owner.

4 MCAR § 4.241 Conditions for access.

A. Access required. A property owner shall provide access by a franchised cable communications system to a condominium complex, manufactured home park, mobile home park, or multiple dwelling complex as required in 4 MCAR § 4.241 B. and 4 MCAR § 4.242. The access provided must be perpetual and freely transferable by one cable communications company to

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

another. A cable communications company granted access, and its successors in interest, must fully comply with 4 MCAR §§ 4.241 and 4.242.

B. Conditions. An installation of cable communications facilities under 4 MCAR §§ 4.240-4.243 must conform to reasonable conditions which are necessary to protect the safety, functioning, and aesthetic appearance of the premises, and the convenience and well-being of the property owner and residents or association members.

1. A property owner may require from a cable communications company prior to installation or modification of cable communications facilities diagrams showing plans for placement and securing of the facilities. A property owner may approve or disapprove installation plans. Approval of plans may not be unreasonably withheld.

2. The facilities must be installed in an expeditious and workmanlike manner complying with all applicable codes, and must, where economical and feasible, be installed parallel to utilities. A property owner may require a cable communications company to post a bond or equivalent security in an amount not exceeding the estimated cost of installation of the cable communications facilities on the premises.

3. A cable communications company shall indemnify a property owner for any damage caused by the installation, operation, maintenance, or removal of the facilities.

4. A property owner may require a cable communications company, after reasonable written notice, to promptly relocate cable communications facilities on or within the premises of the property owner for the purposes of rehabilitation, redecoration, or necessary maintenance of the premises by the property owner.

5. Nothing in 4 MCAR §§ 4.240-4.243 precludes a property owner from entering into an agreement for use of a master antenna television system by a cable communications company.

6. Nothing in 4 MCAR §§ 4.240-4.243 shall be construed to affect the validity of an agreement effective before those rules are effective between a property owner, a cable communications company, or any other person providing telecommunications services on or within the premises of the property owner.

7. A cable communications company shall bear the entire cost of the installation, operation, maintenance, and removal of a cable communications facility within the initial franchise service area.

D. Compensation for access. In exchange for obtaining access to a property owner's premises, a cable communications company shall, within 30 days after installation of a cable communications system,

1. compensate the property owner for any reduction in the value of the premises resulting directly from the installation of the cable communications facilities;

2. reimburse the property owner, in an amount no more than one hundred dollars for premises containing less than ten dwelling units and two hundred dollars for all other premises, for actual costs incurred by the property owner with respect to the professional review of the plans and drawings regarding installation or modification of the cable communications system, associated contractual materials, and other documentation; and

3. pay to the property owner a one-time charge of one dollar for each dwelling unit on the property owner's premises.

E. Addition of dwelling units. If, at any time after installation of a cable communications system, a property owner constructs or places additional dwelling units on his premises, the cable communications company shall, within 30 days after completion of the construction or placement, pay the property owner a one-time charge not exceeding one dollar for each additional dwelling unit.

4 MCAR § 4.242 Prohibitions.

A. Interference with facilities. A property owner may not interfere with the installation, operation, inspection, maintenance, or removal of cable communications facilities.

B. Discrimination. A property owner may not discriminate in rental charges or in granting of property rights, or otherwise, between residents or association members who receive cable communications service and those who do not.

C. Agreements interfering with rights to antenna equipment. A cable communications company may not enter into an agreement with a property owner to do or permit an act that would have the effect, directly or indirectly, of diminishing or interfering with existing rights of a resident or an association member to use or obtain master or individual antenna equipment.

4 MCAR § 4.243 Appeals to the board. Any interested or affected person may appeal any action taken by another person under 4 MCAR §§ 4.240-4.242 to the board using the procedure in 4 MCAR §§ 4.003-4.016.

Minnesota Department of Agriculture Agronomy Services Division

Proposed Amendments to Rules Governing Fertilizer Labels and Labeling Requirements and the Proposed Adoption of Rules Governing the Storage and Handling of Liquid and Dry Commercial Fertilizers and Soil and Plant Amendment Labels and Labeling Requirements

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes, section 15.0412, subd. 4, in the above entitled matters in Conference Room A, Minnesota Department of Agriculture Building, 90 West Plato Boulevard, St. Paul, Minnesota on December 21, 1982, commencing at 9:00 a.m., and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed amendments to the rules and the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing. Written materials may be submitted by mail to George Beck, State Hearing Examiner, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, either before the hearing or within five working days after the close of the hearing. (The hearing examiner may extend the written comment period up to 20 calendar days at the hearing.) The proposed amendments to the rules and the proposed rules are subject to change as a result of the rule hearing process, therefore, the department strongly urges those who may potentially be affected by the substance of the proposed amendments or the proposed rules to participate in the hearing process.

The commissioner proposes to amend rules relating to the labels and labeling of fertilizers and to adopt new rules governing the storage and handling of liquid and dry commercial fertilizers and label and labeling requirements for soil and plant amendments. The statutory authority for the commissioner to adopt these amendments and propose these new rules is contained in Minnesota Statutes, section 17.725. The proposed amendments to the rules and the proposed rules relate to the matters described below.

The proposed amendments to the rules relating to labels and the labeling of fertilizers address the following subjects: requirements for the format, order and content of label information that must be affixed to the containers of all fertilizers offered for sale in Minnesota; provides for exceptions to label requirements when certain plant nutrients are not contained in the fertilizer or when the chemical plant nutrients are not contained in the fertilizer or when the chemical forms of Nitrogen must be listed; sets the requirements for the placement of label information on the fertilizer container offered for sale; sets criteria for the label and labeling of slow released plant nutrients; provides for an exception to label requirements for fish emulsion fertilizers; permits additional plant nutrients to be guaranteed under certain circumstances and sets the format and order for their listing on the label; states the requirements for a complete application for registration of a fertilizer; and requires warning statements on labels when Boron or Molybdenum exceed certain levels.

The proposed rule governing the storage and handling of liquid commercial fertilizers addresses the following subjects: states the conditions for the commissioner's approval of new or substantially altered liquid commercial fertilizer facilities and equipment and the commissioner's intent to review approved facilities and act in instances where there are hazards to people's lives, adjoining property or the environment; establishes the schedule under which existing liquid commercial fertilizer facilities must apply for the commissioner's approval; sets forth the conditions under which the commissioner will grant or deny variances to new, substantially altered or existing facilities; states the minimum requirements for the maintenance and operation of liquid commercial fertilizer facilities; requires that storage containers be legibly and conspicuously marked, and that an incident notification sign and an identification sign be posted for emergency purposes; provides that safeguards must be installed in order to contain liquid commercial fertilizers in the event of an incident; establishes the procedures to be followed in the event of an incident which releases liquid commercial fertilizers, including the roles of the responsible party and the department of agriculture; and exempts certain facilities storing and handling commercial fertilizer and nonstationary tanks from the provisions of this rule.

The proposed rule governing the storage and handling of dry commercial fertilizers addresses the following subjects: states

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

the conditions for the commissioner's approval of new or substantially altered dry commercial fertilizer facilities and equipment and the commissioner's intent to review approved facilities and act in instances where there are hazards to people's lives, adjoining property or the environment; sets forth the conditions under which the commissioner will grant or deny variances to new, substantially altered or existing facilities; states the minimum requirements for the maintenance and operation of dry commercial fertilizer facilities; requires that storage containers be legibly and conspicuously marked, and that an incident notification sign be posted for emergency purposes; sets the minimum requirements under which the commissioner will permit the outside storage of dry commercial fertilizers; and establishes the procedures to be followed in the event of an incident which releases dry commercial fertilizers, including the roles of the responsible party and the Department of Agriculture.

The proposed rule relating to label and labeling requirements for soil and plant amendments addresses the following subjects: sets the requirements for label information that must be affixed to the containers of all soil and plant amendments offered for sale in Minnesota; provides an exemption from these label information requirements for soil and plant amendments or sewage sludge offered for sale that contain fertilizer materials; sets the requirements for the labeling of sewage sludge that is applied to a landspreading site in Minnesota; sets the requirements for the placement of label information on the soil or plant amendment or sewage sludge container offered for sale; and states the requirements for a complete application for registration of a soil or plant amendment or sewage sludge.

Each of the four rules described above also contains a statement of the manner in which the commissioner will enforce the provisions of the rules pursuant to Minnesota Statutes, section 17.728 and contains definitions of the terms used in each of the rules.

One free copy of the proposed amendments to the rules or the proposed rules is available and may be obtained by writing or telephoning Gerald Heil, Planning Division, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota 55107, telephone (612) 296-1486. Additional copies will be available at the door on the date of the hearing.

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the department may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the department. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or the department (in the case of the department's submission or resubmission to the Attorney General).

Notice is also hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the department and at the Office of Administrative Hearings. This statement of need and reasonableness will include a summary of all the evidence and argument which the department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed amendments to the rules and the proposed rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

Please be advised that Minnesota Statutes Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes section 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The rule hearing procedure is governed by Minnesota Statutes sections 15.0411-15.0417 and 15.052 and 9 MCAR sections 2.101-2.113 (Minnesota Code of Agency Rules). Questions relating to the rule hearing process and procedures may be directed to: Hearing Examiner, George Beck, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7601.

Mark W. Seetin
Commissioner of Agriculture

Rule as Proposed (all new material)

3 MCAR § 1.0325 Liquid commercial fertilizers.

A. Authority and purpose. This rule is adopted by the commissioner pursuant to Minnesota Statutes, section 17.725, to govern the storage and handling of liquid commercial fertilizer used for agricultural purposes.

B. Definitions. For the purposes of this rule, the terms defined in this part have the meanings given them, and "commercial fertilizer," "commissioner," "grade," "guaranteed analysis," and "person" have the meanings given in Minnesota Statutes, section 17.713.

1. "Appurtenances" means valves, pumps, fittings, and metering or dispensing devices.
2. "Department" means the Department of Agriculture.
3. "Facility" means a place where liquid commercial fertilizer is stored, mixed, blended, weighed, or handled.
4. "Incident" means a flood, fire, tornado, transportation accident, storage container rupture or leak, or other release of liquid commercial fertilizer, whether accidental or not, which is likely to cause a hazard to people's lives, adjoining property, or the environment.
5. "Incident notification sign" means a sign issued by the department displaying the emergency telephone numbers to be called in case of an incident.
6. "Liquid commercial fertilizer" means either mixed fertilizer or fertilizer materials distributed in a fluid, nonpackaged form.
7. "Responsible party" means the person who has direct custody or control of liquid commercial fertilizer at the time of an incident.
8. "Safeguard" means a device, structure, or system or a combination of these designed to prevent the escape or movement of a liquid commercial fertilizer from the place it is stored which might result in the pollution of any surface or ground waters.
9. "Storage container" means a tank in which liquid commercial fertilizer is stored. This does not include delivery equipment unless the delivery equipment is used for storage.
10. "Substantially altering" means modifying a facility by adding additional safeguards or storage containers, or changing existing storage containers, safeguards, appurtenances, or piping. This does not include routine maintenance of existing safeguards, storage containers, appurtenances, and piping or of existing mixing, blending, weighing, and handling equipment.

C. Approval of facility and equipment. A person beginning construction of a new facility or substantially altering an existing facility shall first obtain the approval of the commissioner. The application for approval must be made on forms provided by the commissioner. The commissioner shall approve the application when inspection of the facility and review of the application demonstrate that the proposed facility satisfies the requirements of this rule and provides safeguards to prevent hazards to people's lives, adjoining property, and the environment.

The commissioner shall review approved facilities if the commissioner has reason to believe that existing safeguards are not sufficient to prevent hazards to people's lives, adjoining property, or the environment. Upon determination by the commissioner that hazards to people's lives, adjoining property, or the environment do exist, the commissioner shall proceed in accordance with Minnesota Statutes, section 17.728.

D. Previously established facilities. The person who operates a facility which was established prior to the effective date of this rule including persons who were granted a permit by the Pollution Control Agency, must obtain the commissioner's approval of the facility and equipment according to the following schedule:

1. The person who operates a facility established prior to January 1, 1965, must seek the approval of the commissioner within one year of the effective date of this rule.
2. The person who operates a facility established from January 1, 1965, to December 31, 1973, must seek the approval of the commissioner within two years of the effective date of this rule.
3. The person who operates a facility established from January 1, 1974, to May 31, 1975, must seek the approval of the commissioner within three years of the effective date of this rule.
4. The person who operates a facility established from June 1, 1975, to December 31, 1977, must seek the approval of the commissioner within four years of the effective date of this rule.
5. The person who operates a facility established from January 1, 1978, to December 31, 1979, must seek the approval of the commissioner within five years of the effective date of this rule.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

6. The person who operates a facility established from January 1, 1980, to the effective date of this rule must seek the approval of the commissioner within six years of the effective date of this rule.

E. Variances. Upon receipt of a written request, the department shall grant a variance from this rule when the request shows that compliance with this rule would cause unreasonable economic hardship to the requester and that the requested use would not constitute a hazard to people's lives, adjoining property, or the environment. The department shall set forth in writing its reasons for granting or denying a requested variance within 60 days of the request.

F. Maintenance and operations.

1. Safeguards, storage containers, and mixing, blending, weighing, and handling equipment must be maintained and operated in a manner which will prevent the escape of any liquid commercial fertilizer from the facility.

2. Adequate provisions must be made to protect all above-ground piping from physical damage that might result from moving machinery, equipment, and vehicles.

3. Main valves must be located as near to the storage container as possible and must be either closed and made inoperative when the facility is unattended or protected against tampering by adequate fencing.

4. Appurtenances and storage containers must be properly maintained, protected against rust, and painted to prevent corrosion and leakage.

5. Storage container areas must be kept free of clutter and ignitable materials including weeds and long dry grass.

G. Safeguards. Persons storing liquid commercial fertilizers in storage containers shall provide safeguards for containment at least equal to the holding capacity of the largest single storage container.

H. Markings.

1. Each storage container must be labeled in a clearly legible and conspicuous manner with the appropriate grade or guaranteed analysis of the contents of the storage container.

2. An identification sign must be displayed in a clearly legible and conspicuous manner stating the name, address, and telephone number of the nearest agent, representative, owner, or person who operates the facility.

3. An incident notification sign must be posted in a conspicuous place within the facility.

I. Incidents. A person involved in or responsible for an incident shall report the incident to the department. The department shall immediately notify other state agencies with jurisdiction regarding the incident. The responsible party shall take appropriate action to contain or clean up the results of the incident. The department shall be the lead state agency for making decisions involving the clean-up or containment operations and shall initiate those operations necessary to prevent hazards to people's lives, adjoining property, or the environment. By initiating clean-up or containment operations, the department does not assume any liability for costs in addition to that prescribed or imposed by law.

J. Exempt facilities. This rule does not apply to anhydrous ammonia facilities, or to portable or nonstationary tanks.

K. Enforcement. The commissioner shall proceed in accordance with Minnesota Statutes, section 17.728 upon satisfactory evidence that the storage and handling of liquid commercial fertilizer does not meet the provisions in this rule.

3 MCAR § 1.0326 Dry commercial fertilizers.

A. Authority and purpose. This rule is adopted by the commissioner pursuant to Minnesota Statutes, section 17.725, to govern the storage and handling of dry commercial fertilizer used for agricultural purposes.

B. Definitions. For the purposes of this rule, the terms defined in this part have the meanings given them, and "commercial fertilizer," "commissioner," "grade," "guaranteed analysis," and "person" have the meanings given in Minnesota Statutes, section 17.713.

1. "Department" means the Department of Agriculture.

2. "Dry commercial fertilizer" means either mixed fertilizer or fertilizer materials distributed in a nonfluid, nonpackaged form.

3. "Facility" means a place where dry commercial fertilizer is stored, mixed, blended, weighed, or handled.

4. "Incident" means a flood, fire, tornado, transportation accident, or other event causing a release of dry commercial fertilizer, whether accidental or not, which is likely to cause a hazard to people's lives, adjoining property, or the environment.

5. "Incident notification sign" means a sign issued by the department displaying emergency telephone numbers to be called in the case of an incident.

6. "Responsible party" means the person who has direct custody or control of the dry commercial fertilizer at the time of an incident.

7. "Safeguard" means a device, structure, or system or a combination of these designed to prevent the escape or movement of a dry commercial fertilizer from the place it is stored which might result in the pollution of any surface or ground waters.

8. "Storage container" means a tank or bin in which dry commercial fertilizer is stored. This does not include delivery equipment unless the delivery equipment is used for storage.

9. "Substantially altering" means modifying a facility by adding additional safeguards or storage containers, or by changing existing safeguards or storage containers. This does not include routine maintenance of existing safeguards or storage containers or of existing mixing, blending, weighing, and handling equipment.

C. Approval of facility and equipment. A person beginning construction of a new facility or substantially altering an existing facility shall first obtain the approval of the commissioner. The application for approval must be made on forms provided by the commissioner. The commissioner shall approve the application when inspection of the facility and review of the application demonstrate that the proposed facility satisfies the requirements of this rule and provides safeguards to prevent hazards to people's lives, adjoining property, and the environment.

The commissioner shall review approved facilities if the commissioner has reason to believe that existing safeguards are not sufficient to prevent hazards to people's lives, adjoining property, or the environment. Upon determination by the commissioner that hazards to people's lives, adjoining property, or the environment do exist, the commissioner shall proceed in accordance with Minnesota Statutes, section 17.728.

D. Variances. Upon receipt of a written request, the department shall grant a variance from this rule when the request shows that compliance with this rule would cause unreasonable economic hardship to the requester and that the requested use would not constitute a hazard to people's lives, adjoining property, or the environment. The department shall set forth in writing its reasons for granting or denying a requested variance within 60 days of the request.

E. Maintenance and operations.

1. Safeguards, storage containers, and mixing, blending, weighing, and handling equipment must be maintained and operated in a manner which will prevent avoidable amounts of particulate matter from leaving the facility.

This requirement does not apply to facilities governed by this rule which were established prior to the date of its adoption unless the existing facility, without modification, would result in a hazard to people's lives, adjoining property, or the environment.

2. Storage containers must be maintained to prevent cross contamination of various dry commercial fertilizers.

3. Storage container areas must be kept free of clutter and ignitable materials including weeds and long dry grass.

F. Markings.

1. Each storage container must be labeled in a clearly legible and conspicuous manner with the appropriate grade or guaranteed analysis of the contents of the storage container.

2. An incident notification sign must be posted in a conspicuous place within the facility.

G. Outside storage. Outside dry commercial fertilizer storage piles may not be located in areas where surface water runoff could enter storm sewers, sanitary sewers, or other surface or ground waters.

H. Incidents. A person involved in or responsible for an incident shall report the incident to the department. The department shall immediately notify other state agencies with jurisdiction regarding the incident. The responsible party shall take appropriate action to contain or clean up the results of the incident. The department shall be the lead state agency for making decisions involving clean-up or containment operations and shall initiate those operations necessary to prevent hazards to people's lives, adjoining property, or the environment. By initiating clean-up or containment operations, the department does not assume any liability for costs in addition to that prescribed or imposed by law.

I. Enforcement. The commissioner shall proceed in accordance with Minnesota Statutes, section 17.728 upon satisfactory evidence that the storage or handling of dry commercial fertilizer does not meet the provisions in this rule.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Rule as Proposed

~~Agr 322 Trace Minerals in Commercial and Specialty Fertilizers~~

3 MCAR § 1.0327 Fertilizer labels and labeling requirements.

A. Authority and purpose. This rule is adopted by the commissioner pursuant to Minnesota Statutes, section 17.725 to prescribe conditions for labels and procedures for labeling fertilizers.

B. Definitions. For the purposes of this rule, the terms defined in this part have the meanings given them, and "brand," "commercial fertilizer," "commissioner," "fertilizer material," "grade," "guaranteed analysis," "guarantor," "label," "labeling," "mixed fertilizer," "organic," and "specialty fertilizer," have the meanings given in Minnesota Statutes, section 17.713.

1. "Department" means the Department of Agriculture.
2. "Fertilizer" means a commercial fertilizer or a specialty fertilizer.
3. "Plant nutrient" has the meaning given to "plant food" in Minnesota Statutes, section 17.713, subdivision 15 b.

C. Label information requirements. Any fertilizer offered for sale, sold or distributed in this state, in bags or other containers, must have placed on or affixed to the container the following information in the following format and order:

1. net weight;
2. brand and grade;
3. guaranteed analysis:

Total Nitrogen (N)%
.....% Ammoniacal Nitrogen	
.....% Nitrate Nitrogen	
.....% Water Insoluble Nitrogen	
.....% Urea Nitrogen	
.....% Other approved and determinable forms of Nitrogen	
Available Phosphoric Acid (P ₂ O ₅)%
Soluble Potash (K ₂ O)%
Other plant nutrients (elemental basis)%

4. sources of plant nutrients, when shown on the label;
5. name and address of guarantor.

D. Exception to label information requirements.

1. If the percentage of any plant nutrient is zero, the plant nutrient must be omitted from the statement.
2. Chemical forms of nitrogen must be listed, without limitation, when the fertilizer is a fish emulsion or when the nitrogen is organic or slowly released. Whenever the chemical forms of nitrogen are claimed, they must be claimed in the form indicated in C.3.

E. Location of label information. For packaged fertilizers, the information required in C. must be in a readable and conspicuous form and must meet one of the following requirements:

1. appear on the front of the package;
2. occupy at least the upper one-third of either side of the package;

- 3. appear on the upper end of the container; or
- 4. be printed on a tag and attached to the package.

F. Bulk fertilizers. For bulk fertilizers, the information required in C., in written or printed form, must accompany delivery and be supplied to the purchaser at the time of delivery.

G. Slowly released plant nutrients.

1. A fertilizer label may not bear a statement that connotes or implies that certain plant nutrients contained in the fertilizer are released slowly over a period of time, unless the plant nutrients are identified and guaranteed.

2. The following types of plant nutrients may be labeled as slowly released plant nutrients:

- a. water insoluble nitrogen products, such as natural organics, urea formaldehyde, IBDU and oxamide;
- b. coated slow release plant nutrients such as sulfur coated urea and other encapsulated soluble fertilizers; and
- c. occluded slow release plant nutrients, such as fertilizers mixed with waxes, resins or other inert materials and formed into particles.

3. The terms "water insoluble," "coated slow release" and "occluded slow release" are accepted as descriptive of these products, provided that the manufacturer can show a testing program approved by the department substantiating the claim.

4. When the nitrogen is organic and the label states the amount of organic nitrogen present in a phrase such as "nitrogen in organic form equivalent to . . . % N," then the water insoluble nitrogen guarantee must not be less than 60 percent of the nitrogen so designated. For example, if the total nitrogen guarantee for a fertilizer is ten percent and the label states: "nitrogen in organic form equivalent to 2.5% N," then the water insoluble nitrogen guarantee must not be less than 1.5 percent ($2.5\% \times 0.6 = 1.5\%$).

5. When a slowly released plant nutrient is less than 15 percent of the guarantee for total nitrogen, available phosphoric acid or soluble potash, the label may not bear a reference to those designations.

6. Until more appropriate methods are developed, Association of Official Analytical Chemists (AOAC) method number 2.074 in Official Methods of Analysis of the Association of Official Analytical Chemists (William Horwitz, ed.; 13th edition; 1980), or the appropriate AOAC method in a subsequent edition, must be used to confirm the coated slow release and occluded slow release plant nutrients and others whose slow release characteristics depend on particle size. The AOAC method number 2.072 in Official Methods of Analysis of the Association of Official Analytical Chemists (William Horwitz, ed.; 13th edition; 1980), or the appropriate AOAC method in a subsequent edition, must be used to determine the water insoluble nitrogen of organic materials.

7. The following is an example of an acceptable breakdown of nitrogen where nitrogen is the only slow release plant nutrient in the fertilizer:

<u>Total Nitrogen (N)</u>	<u>22%</u>
<u>5.5% Ammoniacal Nitrogen</u>	
<u>5.5% Nitrate Nitrogen</u>	
<u>1.0% Urea Nitrogen</u>	
<u>10.0% Coated Slow Release Urea Nitrogen</u>	

8. When two or more plant nutrients in a fertilizer are coated or occluded to obtain slow release properties, the guarantees for those plant nutrients must be shown as footnotes rather than following each plant nutrient, as indicated in the following example:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Fertkote 10-15-20
Guaranteed Analysis

<u>Total Nitrogen (N)*</u>	<u>10%</u>
<u>2.5% Ammoniacal Nitrogen</u>	
<u>2.5% Nitrate Nitrogen</u>	
<u>5.0% Urea Nitrogen</u>	
<u>Available Phosphoric Acid (P₂O₅)*</u>	<u>15%</u>
<u>Soluble Potash (K₂O)*</u>	<u>20%</u>
<u>Sulfur (S)</u>	<u>14%</u>
.....	

* The nitrogen, phosphorus and potassium materials in this product have been coated to provide 9.0% coated slow release nitrogen (N), 13% coated slow release available phosphoric acid (P₂O₅), and 18% coated slow release soluble potash (K₂O).

H. Fish emulsions. The following is an example of an acceptable breakdown of nitrogen for a fish emulsion fertilizer:

<u>Total Nitrogen (N)</u>	<u>5%</u>
<u>0% Nitrate Nitrogen</u>	
<u>0% Urea Nitrogen</u>	
<u>0.5% Ammoniacal Nitrogen</u>	
<u>0.5% Water Insoluble Nitrogen</u>	
<u>4.0% Other Water Soluble Nitrogen</u>	

1. In the example given above, water insoluble nitrogen is guaranteed but no claims or statements, such as organic, slow acting or slow release, can be used since it is less than 15 percent of the total nitrogen.

2. Zero guarantees are not acceptable as noted in D.; however, for this specific label they will be allowed so that the term "other water soluble nitrogen" will mean nitrogen that is soluble but is not nitrate, ammoniacal or urea nitrogen.

(a) 1. Additional ~~minerals~~ plant nutrients permitted.

(+) 1. The commissioner will ~~grant permission to accept guarantee~~ guarantee guarantees only for the additional plant nutrients ~~beside Nitrogen, Phosphorus and Potassium only when the additional plant nutrients are not less than the listed in this part.~~ Any or all of these additional plant nutrients in a particular fertilizer may be guaranteed if the following minimum amounts hereinafter stated content requirements are met.

(2) Only those elements listed will be approved by the commissioner and when added in these amounts may be incorporated into the label or shown on the container.

<u>Element</u>	<u>Minimum</u>
<u>Plant Nutrient</u>	<u>Percent</u>
<u>Calcium (Ca)</u>	<u>Allowed</u>
Calcium (Ca)	1.00
Magnesium (Mg)	0.50
Sulfur (S)	1.00
Boron (B)	0.02
Chlorine (Cl)	0.10
Cobalt (Co)	0.0005
Copper (Cu)	0.05
Iron (Fe)	0.10
Manganese (Mn)	0.05

PROPOSED RULES

Molybdenum (Mo)	0.0005
Sodium (Na)	0.10
Zinc (Zn)	0.05

~~(3) Guarantees or claims for the above listed additional plant nutrients are the only ones which will be approved.~~

2. If any of the plant nutrients in 1. are guaranteed, the procedures in a.-e. must be followed for labels and labeling.

a. The plant nutrients must be listed immediately following nitrogen, phosphorus and potassium.

b. The plant nutrients must appear in the format listed in 1.

c. The plant nutrients must appear in the order listed in 1.

d. The plant nutrients must be stated on the elemental basis.

e. The percentages of each of the plant nutrients contained in the fertilizer must be stated.

3. If the minimum requirement stated in 1. is not met for a particular plant nutrient, labels and labeling for the fertilizer may not contain any statement regarding that particular plant nutrient.

~~(b) J. Labeling, Warning Statements and labels. (1) Proposed labeling and labels and with directions for use of the fertilizer shall be furnished with the application for registration upon request of a fertilizer.~~

~~(2) K. Warning statements. Warning or caution statements are required on the label for any product which contains 0.03% percent or more of Boron in a water-soluble form or 0.001% percent or more of Molybdenum.~~

~~(3) Any of the above listed elements which are guaranteed shall appear in the order listed, immediately following guarantees for the primary nutrients, nitrogen, phosphorus and potassium.~~

L. Enforcement. The commissioner shall proceed in accordance with Minnesota Statutes, section 17.728 upon satisfactory evidence that a label or labeling of a fertilizer does not meet the provisions in this rule.

Repealer. Rules Agr 319, 320, 321, and 323 of the Department of Agriculture are repealed.

Rule as proposed (all new material)

3 MCAR § 1.0328 Soil and plant amendment labels and labeling requirements.

A. Authority and purpose. This rule is adopted by the commissioner pursuant to Minnesota Statutes, section 17.725; to prescribe conditions for the labels and procedures for labeling soil and plant amendments.

B. Definitions. For the purpose of this rule, the terms "brand," "commercial fertilizer," "commissioner," "fertilizer material," "guaranteed analysis," "guarantor," "label," "labeling," "plant amendment," "plant food," "sewage sludge," and "soil amendment" have the meanings given them in Minnesota Statutes, section 17.713.

C. Label requirements.

1. Any soil or plant amendment, except for sewage sludge, which is offered for sale, sold, or distributed in this state, in bags or other containers, must have placed on or affixed to the container the following information:

- a. net weight;
- b. brand name;
- c. guaranteed analysis;
- d. name and address of guarantor;
- e. directions for the soil or plant amendment's use;
- f. the soil or plant amendment's purpose or proposed use;
- g. the words "NOT A PLANT FOOD PRODUCT"; and

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

h. a statement listing the common or usual English name of all ingredients used in manufacturing or blending the soil or plant amendment.

2. The label requirements in C.1.g. do not apply to soil or plant amendments or sewage sludge offered for sale that contain fertilizer materials.

a. If the soil or plant amendment or sewage sludge contains fertilizer materials that meet the plant food content requirements of Minnesota Statutes, section 17.721, the fertilizer materials must be guaranteed and labeled in accordance with Minnesota Statutes, sections 17.711 to 17.729 and 3 MCAR § 1.0327.

b. If the soil or plant amendment or sewage sludge contains fertilizer materials that do not meet the plant food content requirements of Minnesota Statutes, section 17.721, the fertilizer materials may not be guaranteed and must be listed in a caution or warning statement with appropriate percentages of each plant food.

The following is an example of an acceptable caution or warning statement for a soil or plant amendment offered for sale containing fertilizer materials below the plant food requirements of 3 MCAR § 1.0327:

“CAUTION. This product may contain _____ percent nitrogen, _____ percent calcium, and _____ percent zinc. This information should be taken into consideration when the product is used in conjunction with commercial fertilizer or when sensitive crops or plants are involved.”

3. Sewage sludge which is applied to a landspreading site must have a sewage sludge analysis containing the information listed in a. to g. All analytical values except pH and total solids must be recorded on a dry weight basis. The most recent sewage sludge analysis, in written or printed form, must be supplied to the owner, renter, or lessee of a landspreading site before sewage sludge is spread.

a. Percentage of total solids.

b. Volatile solids as a percentage of total solids.

c. pH.

d. Percentage of nitrogen, including the percentages of kjeldahl, ammonia, and in the case of aerobically digested and composted sewage sludge, nitrate.

e. Phosphorus and potassium, expressed as percentages of available phosphoric acid (P_2O_5) and soluble potash (K_2O).

f. Total weight of heavy metals, including milligrams per kilogram of zinc, copper, lead, nickel, cadmium, chromium, mercury, and molybdenum.

g. Polychlorinated biphenyls expressed as milligrams per kilogram.

4. For packaged soil or plant amendments or sewage sludge offered for sale, the information required in 1. or 2. must be in a readable and conspicuous form and must meet one of the following requirements:

a. appear on the front of the package;

b. occupy at least the upper one-third of either side of the package;

c. appear on the upper end of the container; or

d. be printed on a tag and attached to the package.

5. For bulk soil or plant amendments or sewage sludge offered for sale, the information required in 1. or 2., in written or printed form, must accompany delivery and be supplied to the purchaser at the time of delivery.

D. Labeling and labels. Proposed labeling and labels with directions for use of the soil or plant amendment must be furnished with an application for registration of a soil or plant amendment.

E. Enforcement. The commissioner shall proceed in accordance with Minnesota Statutes, section 17.728 upon satisfactory evidence that a label or labeling of a soil or plant amendment or sewage sludge does not meet the provisions in this rule.

**Department of Commerce
Insurance Division****Proposed Rules Governing Deregulation of Workers' Compensation Insurance Rates
during Transition to Competitive Rating Effective January 1, 1986
(4 MCAR §§ 1.9140-1.9143)****Notice of Hearing**

Notice is given that a public hearing will be held pursuant to Minn. Stat. § 15.0412, subd. 4 in the above-entitled matter in the hearing room at 500 Metro Square Bldg., St. Paul, MN, on December 21, 1982, commencing at 9:00 a.m. and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard, concerning adoption of the proposed rules captioned above, by submitting either oral or written data, statements or arguments.

Written material may be submitted and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 calendar days if ordered by the hearing examiner. Statements or briefs may be submitted without appearing at the hearing. Written comments may be submitted to Hearing Examiner Jon L. Lunde at the Office of Administrative Hearings, 3rd Floor Summit Bank Bldg., 310 South 4th Avenue, Mpls, MN 55415.

The commissioner proposes to adopt rules governing transition from regulated workers' compensation insurance rate setting to a competitive system. The proposed rules establish an interim process for the determination of workers' compensation insurance rates (and premiums) which impose limits upon allowable rate deviations by individual insurers while allowing increased ratemaking flexibility for individual insurers to react to market conditions. The rules relate to the following components of that transition: licensing of data service organizations; rate petitions and hearings; and ratemaking reports.

The proposed rules may be modified as a result of the hearing process. Therefore if you are affected in any manner by the proposed rules you are urged to participate in the rules hearing process.

The authority for the adoption of these rules is contained in Minn. Stat. § 79.51. **These rules were published as proposed rules in the *State Register* of October 18, 1982, 7 S.R. pages 582-586.**

The rule hearing procedure is covered by Minn. Stat. §§ 15.0411-15.0417 and 15.052, and by 9 MCAR §§ 2.101-2.113. Questions about the procedure may be directed to Hearing Examiner Jon L. Lunde at (612) 341-7645.

Lobbyists must register with the State Ethical Practices Board. A "lobbyist" is defined by Minn. Stat. § 10A.01, subd. 11.

"Lobbyist" means any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials;

(b) Who spends more than \$250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

"Lobbyist" does not include any:

(a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual while engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.**

PROPOSED RULES

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony;

(f) Stockholder of a family farm corporation as defined in Section 500.24, subd. 1, who does not spend over \$250, excluding his own travel expenses, in any year in communicating with public officials; or

(g) Party or his representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Any questions should be directed to the State Ethical Practices Board, Room 41, State Office Bldg., 435 Park Street, St. Paul, MN 55155, (612) 296-5148.

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Notice is given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the Insurance Division and at the Office of Administrative Hearings. This statement of need and reasonableness will include evidence justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

One free copy of this notice and the proposed rules may be obtained by contacting Ms. Nancy Myers, Insurance Division, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-8591. Additional copies will be available at the door on the date of the hearing.

Thomas L. O'Malley
Temporary Commissioner of Insurance

Department of Employee Relations

Proposed Rules Governing the State Personnel System (2 MCAR §§ 2.308, 2.331, 2.332, 2.333, and 2.371)

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes section 15.0412, subdivision 4, in the above-entitled matter in the Department of Employee Relations, Main Conference Room, 3rd Floor Space Center Building, 444 Lafayette Road, St. Paul, Minnesota on December 16, 1982, commencing at 9:00 a.m. and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

These rules govern the temporary designation of positions in the unclassified service, examinations for applicants with handicaps and appointments to the unclassified service. A copy of the proposed rules is attached to this Notice.

Authority for the adoption of these rules is contained in Minnesota Statutes section 43A.04, subdivision 3 (1981 supp.). Additionally a statement of need and reasonableness that describes the need for and reasonableness of such provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Mark Sundquist upon request. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.0417 and 15.052 and 2 MCAR 2.101-2.113 (Minnesota Code of Agency Rules). Questions about procedures may be directed to the Hearing Examiner, Richard C. Luis, Minnesota Office of Administrative Hearings, 400 Summit Bank Bldg., 310-4th Avenue South, Minneapolis, MN 55415, telephone (612) 341-7610.

Persons interested in these rules may appear at the hearing or provide written comment to the hearing examiner up to 5 working days after the hearing. This period may be extended to no longer than 20 calendar days if ordered by the hearing examiner at the hearing. The proposed rules may be modified as a result of the hearing process.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be

so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the agency and at the Office of Administrative Hearings. This statement of need and reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

One free copy of this notice and the proposed rules may be obtained by contacting Mark L. Sundquist, 3rd Floor Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101, 296-8933. Additional copies will be available at the door on the date of the hearing.

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1979 Supp.) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Barbara L. Sundquist
Commissioner of Employee Relations

Rules as Proposed (all new material)

2 MCAR § 2.308 Temporary designation of positions in the unclassified service.

The commissioner may authorize the temporary designation of a position in the unclassified service in accordance with Minnesota Statutes, section 43A.08, subdivision 2a for a period not to exceed three years. After considering the documentation submitted by the appointing authority, the commissioner shall determine whether the position is classified or unclassified.

2 MCAR § 2.331 Test accommodations for applicants who are handicapped.

Applicants who are handicapped may request that an examination process be altered to accommodate their handicaps. The applicant shall indicate on the standard application form prescribed in 2 MCAR § 2.320 on the handicapping condition which substantially limits one or more major life activities and the specific accommodation desired.

The commissioner shall consider the following in reviewing requests for test accommodations: whether the content and form of the examination would make the requested accommodations necessary; whether the requested accommodations would compromise the validity or job-relatedness of the examination; and whether the requested accommodations can reasonably be made. The commissioner shall decide whether to admit the applicant to the examination if it is open to application and to make the requested accommodations or to deny the request for accommodations. If the commissioner denies the request for accommodations the applicant shall be offered the choice of participating in the competitive examination process if it is open for application or, if the commissioner determines that the applicant meets the eligibility criteria specified in Minnesota Statutes, section 43A.10, subdivision 8, of participating in a qualified handicapped examination in accordance with 2 MCAR § 2.332.

2 MCAR § 2.332 Qualified handicapped examination.

A. Criteria for offering. The commissioner may offer applicants whose handicaps are so severe that they cannot be accommodated in the competitive examination process a qualified handicapped examination in accordance with Minnesota

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Statutes, section 43A.10, subdivision 8. A qualified handicapped examination shall consist of an on-the-job trial work experience of up to 700 hours. The commissioner may approve a qualified handicapped examination after determining whether all of the standard examination requirements need to be met for some positions in the class and whether the job duties or procedures can be altered so that the applicant could perform the essential duties of a position in the class.

B. Placement. A candidate admitted for a qualified handicapped examination must be given a list of agencies having positions in the class and written authorization by the commissioner to seek a vacant position in the class. The candidate, with the help of a placement and referral specialist in a rehabilitation program recognized by the state, may contact the agencies to develop a suitable placement. The commissioner in accordance with Minnesota Statutes, section 43A.10, subdivision 8 shall authorize an examination in any position determined suitable by the candidate, counselor, and appointing authority.

C. Completion or termination of examination. A qualified handicapped examination may be successfully completed at any time during the 700 hours of work experience if the appointing authority notifies the commissioner that the candidate can satisfactorily perform the essential duties of the position and is eligible for probationary appointment in accordance with Minnesota Statutes, section 43A.13, subdivision 6. A qualified handicapped examination may be terminated at any point during the 700 hours of work experience, except for the first 30 scheduled work days from the date of the start of the examination, if the appointing authority notifies the commissioner that the candidate cannot satisfactorily perform the essential duties of the position. A candidate terminated from a qualified handicapped examination may be authorized to seek placement in other positions in the class if the commissioner decides that the candidate's inability to perform was limited to duties essential to the specific position in which he or she was placed but which are not essential for other positions in the class.

2 MCAR § 2.333 Notice.

The Commissioner shall notify an applicant who is handicapped and, upon request, provide a written statement of the reasons for the decision, of any of the following decisions:

A. To provide or deny a request for test accommodations except when the test accommodation is unnecessary due to the examination format.

B. To admit or deny admission to a competitive or qualified handicapped examination.

2 MCAR § 2.371 Unclassified appointments.

Appointing authorities may make appointments to unclassified positions authorized in accordance with statute. Unclassified appointments do not require public notice. Unless otherwise specified in a statute, an appointing authority may appoint to an unclassified position any person he or she considers qualified, but shall submit the person's resume to the commissioner. No employee may serve in positions authorized under 2 MCAR § 2.308 performing the same function in the same agency for more than three years in total.

Repealer. 2 MCAR § 2.010 is repealed.

Department of Health Environmental Health Division

Proposed Rules Governing Registration of Engineers and Construction of Monitoring Wells

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Commissioner of Health proposes to adopt the above-entitled rules without a public hearing. The commissioner has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days after publication in the *State Register* to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 15.0412, subdivisions 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Mr. Ronald B. Thompson, Unit Leader
Ground Water Quality Control Unit
Minnesota Department of Health
Division of Environmental Health
717 Delaware Street S.E.
Minneapolis, Minnesota 55440
612/623-5556

Authority for the adoption of these rules is contained in Minnesota Statutes section 156A. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Mr. Thompson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Mr. Thompson.

The proposed rules follow this notice. Copies of this Notice and the proposed rules are available and may be obtained by contacting Mr. Thompson.

George R. Pettersen, M.D.
Commissioner of Health

Rules as Proposed

7 MCAR § 1.210 Definitions and policies.

A.-B. [Unchned.]

C. The following terms apply to the water well construction code, 7 MCAR §§ 1.217-1.230.

1.-7. [Unchanged.]

8. “Confining bed” means a body of material with low vertical permeability.

8.-13. [Re-number as 9.-14.]

15. “Monitoring well” means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of extracting groundwater for physical, chemical, or biological testing, or obtaining other engineering or hydrogeologic information. “Monitoring well” includes “groundwater quality sampling well” as that phrase is used in Minnesota Statutes, section 156A.03, subdivision 3.

14.-37. [Re-number as 16.-39.]

Rules as Proposed (all new material)

7 MCAR § 1.212 Registration of engineers who drill monitoring wells.

A. Original registration. A professional engineer who is registered with the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture as a civil or geological engineer, and who seeks to drill monitoring wells, shall register annually on a form provided by the commissioner. The completed form must be returned to the commissioner, along with the \$50 registration fee. The registrant shall register each calendar year, and the registration expires on December 31.

B. Renewal. Each registrant shall submit an application for registration renewal on a form provided by the commissioner no later than December 31 of the year preceding the year for which the application is made. The registration renewal application must be accompanied by a fee of \$50. A penalty fee of \$10 must be paid in addition to the \$50 renewal fee if the renewal is submitted after the December 31 deadline.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

C. Drilling monitoring wells. An engineer may not drill monitoring wells unless he is currently registered with the commissioner.

7 MCAR § 1.216 Monitoring wells.

A. Use of well. A monitoring well may not be used as a source of water for human consumption, or for any industrial or agricultural use, or for any public or private water supply. A monitoring well may not be used for any purpose other than groundwater quality testing and monitoring, or for obtaining other engineering or hydrogeologic information.

B. Installation of well. A monitoring well may only be installed by a water well contractor licensed under 7 MCAR § 1.211 or a professional engineer who is registered under 7 MCAR § 1.212.

C. Applicability of code. Unless otherwise provided in this rule, all provisions of the water well construction code, 7 MCAR §§ 1.210-1.224, apply to the construction and abandonment of a monitoring well.

D. Special provisions and exceptions to code.

1. A monitoring well may be open to only one aquifer and may not interconnect aquifers which are separated by a confining bed. If a confining bed is penetrated below the aquifer to be monitored, the drillhole through the confining bed must be filled with neat cement grout from the bottom of the drillhole to the top of the confining bed.

2. A monitoring well may be constructed into the first aquifer nearest to the ground surface without prior approval by the Department of Health.

Before a monitoring well may be drilled into any aquifer which is below the first aquifer nearest to the ground surface, plans, specifications, and construction features of the proposed installation must be submitted to and approved by the administrative authority.

3. Only a monitoring well which is constructed for the purpose of investigating present or future groundwater contamination is exempt from the provisions in 7 MCAR § 1.217 C. relating to isolation distances from sources of contamination.

4. A monitoring well must be constructed using materials meeting the standards prescribed in 7 MCAR §§ 1.220 A. and 1.22 . In addition, a monitoring well may be constructed using schedule 5 stainless steel pipe which meets the standards of ASTM A 312-81a (American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103).

5. A person constructing a monitoring well need not meet the yield test requirement imposed in 7 MCAR § 1.220 L. However, the person constructing the well shall submit the results of any yield tests which may be performed along with the well log.

6. For monitoring wells where the use of chlorine disinfectants will interfere with the intended water quality analyses, alternate disinfection methods or materials may be used if they are approved by the commissioner.

7. A monitoring well is exempt from the venting requirement in 7 MCAR § 1.222 G.

E. Protective measures.

1. Every monitoring well must be closed by use of an overlapping, locked metal cap or a wrench-tightened, threaded metal cap. The metal cap must be equivalent to the casing in strength and weight.

2. A monitoring well must be protected from damage by whichever of the methods in a.-c. is most appropriate for the existing and anticipated site conditions.

a. Protection may be by the placement of three posts of at least four-inch diameter, around the well at equal distances from each other and two feet from the casing. The posts must extend four feet above the ground surface and must be installed to a depth of four feet into solid ground or to a depth of two feet if each post is surrounded with six inches of concrete to a depth of two feet. The posts may be made of any of the following materials:

i. schedule 40 steel pipe, if capped with an overlapping, threaded, or welded steel or iron cap, or filled with concrete;

ii. reinforced concrete; or

iii. preservative treated wood.

b. Protection may be by surrounding the casing with a concrete slab which has horizontal dimensions of four feet by four feet, which rises 12 inches vertically above grade at the outer edge, and whose surface is sloped away from the well casing.

c. If a monitoring well is to be protected by means other than those prescribed in a. and b., the licensee or engineer shall first obtain written approval for the other means from the administrative authority. The alternate method must assure a degree of protection at least equal to that provided by the methods in a. and b.

3. A monitoring well need not be protected according to the procedures in 2. if the well is routinely inspected at least daily and if the well is located in an area where it is not likely to be damaged by vandals or by impact from heavy equipment, cars, snowmobiles, or similar vehicles.

4. In addition to the measures prescribed in 2., a monitoring well which is cased with plastic must be protected within a watertight schedule 40 steel casing which is embedded in cement or concrete to a depth of two feet. The steel casing must be covered with an overlapping, locking steel cap. The inner casing must be capped or protected with an overlapping, threaded cap.

5. If a monitoring well is damaged, the damage must be corrected within 72 hours of its discovery.

Repealer. Rules 7 MCAR §§ 1.217 C.4., and 1.218 D. are repealed.

Board of Nursing

Proposed Amendments to Rules Relating to Licensure Fees, Examinations, Continuing Education for Professional Nurses and Reregistration

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Board of Nursing (hereinafter "board") proposes to amend 7 MCAR §§ 5.1002, 5.1004, 5.1021, 5.1031, 5.2002, 5.2003, 5.2021, 5.2030 and 5.2033 without a public hearing. A copy of the proposed amendments is attached to this notice.

The board has determined that the proposed amendments will be noncontroversial in nature. Therefore, this proceeding is being made under the provisions of Minn. Stat. § 15.0412, subd. 4h (Supp. 1981) which provides for an expedited process for the adoption of noncontroversial administrative rule changes without the holding of a public hearing.

The public is hereby advised that:

1. There is a period of 30 days in which to submit comments on the proposed rules with the exception of the fee changes in 7 MCAR §§ 5.1002, 5.1004, 5.1021, 5.2002, 5.2003 and 5.2021 which have been approved pursuant to Minn. Stat. § 214.06, subd. 1 (Supp. 1981) and are included here for information purposes only.

2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30-day comment period;

3. All comments and any written requests for a public hearing shall be submitted to Joyce M. Schowalter, Executive Secretary, Minnesota Board of Nursing, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414;

4. The proposed amendments may be modified if modifications are supported by the data and views submitted and do not result in substantial change in the proposed language;

5. Authority to amend these rules is contained in Minn. Stat. §§ 148.191, subd. 2, 148.296 and 214.12 (1980). Additionally, a statement of need and reasonableness which describes the need for and reasonableness of each provision of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Ms. Schowalter at the above-listed address;

6. Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be submitted to the Attorney General for review of the form and legality of the rule change, including the issue of substantial change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Ms. Schowalter at the above-listed address;

7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this notice, and the agency will then proceed pursuant to Minn. Stat. § 15.0412, subds. 4-4g (Supp. 1981);

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

8. Any rule change made pursuant to this proceeding shall be effective five days after publication in the *State Register* of notice of the adoption of the change.

November 1, 1982

Joyce M. Schowalter, Executive Secretary
Board of Nursing

Rules as proposed

7 MCAR § 5.1002 **Application.** The application forms and instructions for filing are provided by the board. The application shall be submitted to the board in advance of the published deadline for the desired examination date.

A. An application for licensure by examination from a graduate of a Minnesota program shall consist of:

1. The notarized application form,
2. The recommendation from the nursing program director and
3. The fee of ~~\$65~~ \$50, effective ~~July 1, 1982~~ January 1, 1983.

Following graduation, whether this occurs before or after the examination, the applicant must also submit an affidavit of graduation (notarized) and an official school transcript.

B. A completed application from an out-of-state graduate shall consist of:

1. The notarized application,
2. The recommendation from the nursing program director,
3. The fee of ~~\$65~~ \$50, effective ~~July 1, 1982~~ January 1, 1983,
4. The affidavit of graduation and
5. The official school transcript.

C. The board will schedule the applicant to write the first examination available after application is completed within the constraints of space, expense, personnel and time.

7 MCAR § 5.1004 **Examination and reexamination.** The licensure examination may be prepared by the Minnesota Board of Nursing or by others delegated to do so by the Minnesota Board of Nursing.

A. The passing score on the Minnesota licensure examination, the State Board Test Pool Examination National Council Licensure Examination (NCLEX-RN), shall be a standard scaled score of at least ~~350~~ 1600 in each section.

~~B. An applicant whose score falls below a standard score of 350 in one or more sections of the State Board Test Pool Examination shall be deemed to have failed the examination.~~

~~C. An applicant who fails the examination shall re-write only the sections failed unless otherwise specified in these rules.~~

~~D. B. An applicant must pass all sections of the examination in not more than three writings within a 24 month period. Each 24 month period that begins on the date of the first examination of the cycle.~~

~~E. An applicant who does not pass all sections of the examination within a 24 month period must re-write all sections of the examination.~~

~~F. C. An applicant who does not pass the examination within the first 24 month period must present evidence of remedial assistance to the board prior to admission to each subsequent examination. The remedial assistance must occur during the period following the applicant's last examination and prior to the applicant's next examination. The remedial assistance must relate to the subject matter of the section(s) to be re-written examination, test-taking skills or English proficiency.~~

~~G. D. The fee for reexamination shall be ~~\$40~~ \$25, effective ~~July 1, 1982~~ January 1, 1983, and is required for each reexamination whether one or more sections of the examination are to be rewritten at that time.~~

~~H. E. Prior to the examination date each accepted applicant will be sent an admission card which shall be presented by the applicant for admission to the examination center.~~

7 MCAR § 5.1021 **Application.**

~~A. The foreign educated nurse who has been licensed in another U.S. jurisdiction after passing the same examination as administered in Minnesota shall be licensed by interstate endorsement. He / or she shall submit the same application as outlined in 7 MCAR § 5.1011, with the addition of a form indicating compliance with the United States Immigration and Naturalization Act.~~

~~B~~. The foreign educated nurse who has not passed the same licensure examination as administered in Minnesota shall be required to write and pass all parts of the examination. The completed application for such applicant shall include the notarized application form, certification of licensure from the foreign licensure authority, if the applicant has been licensed, certification of graduation from a nursing program, official transcript from the nursing program, reference from a United States employer, if employed in the United States, immigration form and the fee of ~~\$65~~ \$50, effective ~~July 1, 1982~~ January 1, 1983. The board will schedule the foreign educated nurse to write the first examination available after the application is complete within the constraints of space, time, expense, and personnel.

7 MCAR § 5.1031 Registration renewal.

A. Requirements.

1.-3. [Unchanged.]

4. At least one of the acceptable continuing education activities required for registration renewal on or after August 1, 1986, shall require the licensee to show evidence that he ~~or~~ she successfully demonstrated to the instructor skill in performing one or a portion of the professional nursing function as indicated in Minnesota Statutes 1976, section 148.171, clause (3).

5.-7. [Unchanged.]

8. In order for a continuing education activity to be acceptable to the board for registration renewal, a licensee ~~shall~~ must be able to substantiate that each of the criteria listed below has been met.

A continuing education activity that is approved by another board of nursing, another Minnesota health-related licensing board as defined in Minnesota Statutes, section 214.01, subdivision 2, or a national, regional, or out-of-state nursing organization, or an activity that is conducted or sponsored by a national, regional, or state medical organization, is acceptable even if criteria c. and e. are not met.

a.-i. [Unchanged.]

9.-11. [Unchanged.]

B. [Unchanged.]

7 MCAR § 5.1033 Reregistration.

A. [Unchanged.]

B. [Unchanged.]

C. A nurse who has been employed as a registered nurse in another state or country or in a federal facility located in Minnesota for a period of two years or more immediately preceding application for reregistration may substitute satisfactory employment references which encompass the entire employment period in lieu of the continuing education report.

7 MCAR § 5.2002 Application. The application forms and instructions for filing are provided by the board. The application shall be submitted to the board in advance of the published deadline for the desired examination date.

A. An application for licensure by examination from a student or graduate of a Minnesota program shall consist of:

1. The notarized application form,
2. The recommendation from the nursing program director, and
3. The fee of ~~\$50~~ \$35, effective ~~July 1, 1982~~ January 1, 1983.

Following graduation, whether this occurs before or after the examination, the applicant must also submit an affidavit of graduation (notarized) and an official transcript.

B. A completed application from an out-of-state graduate shall consist of:

1. The notarized application,
2. The recommendation from the nursing program director,
3. The fee of ~~\$50~~ \$35, effective ~~July 1, 1982~~ January 1, 1983,

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

4. The affidavit of graduation, and
5. The official school transcript.

C. The board will schedule the applicant to write the first examination available after application is completed within the constraints of space, expense, personnel and time.

7 MCAR § 5.2003 Examination and reexamination. The licensure examination may be prepared by the Minnesota Board of Nursing or by others delegated to do so by the Minnesota Board of Nursing.

A. The passing score on the Minnesota licensure examination, the ~~State Board Test Pool Examination~~ National Council Licensure Examination (NCLEX-PN), shall be a ~~standard~~ scaled score of at least ~~400~~ 350.

~~B. An applicant whose score falls below a standard score of 400 on the State Board Test Pool Examination shall be deemed to have failed the examination.~~

~~C. B.~~ An applicant must pass the examination in not more than three writings within a 24 month period. ~~Each 24 month period that~~ begins on the date of the first examination of the cycle.

~~D. C.~~ An applicant who does not pass the examination within the 24 month period must present evidence of remedial assistance to the board prior to admission to each subsequent examination. The remedial assistance must occur during the period following the applicant's last examination and prior to the applicant's next examination. The remedial assistance must relate to the subject matter of the examination, test-taking skills or English proficiency.

~~E. D.~~ The fee for reexamination shall be ~~\$25~~ \$10, effective ~~July 1, 1982~~ January 1, 1983 and is required for each reexamination.

~~F. E.~~ Prior to the examination date each accepted applicant will be sent an admission card, which shall be presented by the applicant for admission to the examination center.

7 MCAR § 5.2021 Application.

~~A.~~ The foreign educated practical nurse who has been licensed in another U.S. jurisdiction after passing the same examination as administered in Minnesota shall be licensed by interstate endorsement. ~~He or she~~ shall submit the same application as outlined in 7 MCAR § 5.2011, with the addition of a form indicating compliance with the U.S. Immigration and Naturalization Act.

~~B.~~ The foreign educated practical nurse who has not passed the same licensure examination as administered in Minnesota shall be required to write and pass the examination. The completed application for such applicant shall include the notarized application form, certification of licensure from the foreign licensure authority, if the applicant has been licensed, certification of graduation from a nursing program, official transcript from the nursing program, reference from a United States employer, if employed in the United States, the immigration form and the fee of ~~\$50~~ \$35, effective ~~July 1, 1982~~ January 1, 1983. The board will schedule the applicant to write the first examination, available after the application is complete within the constraints of space, time, expense and personnel.

7 MCAR § 5.2030 Renewal of registration.

A. [Unchanged.]

B. [Unchanged.]

C. [Unchanged.]

~~D. Individuals licensed for the first time within three calendar months prior to the first day of a renewal period shall not be required to meet requirements for that renewal period but shall be considered in good standing.~~

D. If a person is granted a Minnesota license within six calendar months prior to the first day of licensee's renewal period, the license fee shall serve as payment for the first renewal period.

7 MCAR § 5.2033 Reregistration.

A. The names of all nurses who do not return the renewal application, renewal fees, and penalty fees by April 1 of each renewal year shall be removed from the roster of persons authorized to practice practical nursing during the current renewal period.

~~A. B.~~ The licensed practical nurse whose name has not been on the registration roster for five years or more must present evidence of competency in nursing before becoming reregistered. Such evidence may include any of the following which occurred within the five year period prior to the application for a current renewal certificate:

1. employment as a licensed practical nurse in another United States jurisdiction or foreign country;

2. completion of no less than one week of a refresher course;
3. attendance at no less than 15 clock hours of nursing-related educational offerings;
4. participation in an orientation program at least one week in length conducted by an employer or potential employer;

or

5. such other similar evidence; and
6. such other evidence as the board may reasonably require.

~~B-~~ C. The licensee whose name has not been on the registration roster for less than five years will be granted reregistration upon submission of a signed reregistration application and payment of the renewal fee for the current period.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Commerce Insurance Division

Adopted Rules Governing Private Passenger Automobile Surcharge Disclosure

The rules proposed and published at *State Register*, Volume 7, Number 7, pages 193-196, August 16, 1982 (7 S.R. 193) are adopted with the following modifications:

Rules as Adopted

4 MCAR § 1.9083 Definitions.

H. Surcharge plans plan. "Surcharge ~~plans plan~~" is as defined in Minnesota Statutes, section 65B.133, subdivision 1, clause (g).

4 MCAR § 1.9085 **Highlighted provisions.** All surcharge plans containing one or more of the following provisions, must have the provisions highlighted in bold print or contrasting color print on the surcharge disclosure statement:

1. surcharges which are based on estimated damage instead of the ~~actual amount paid~~ payment made by the insurer after physical damage deductibles are applied;

5. surcharges which are ~~higher for some~~ not the same for all classes ~~than others~~ (for example, youthful operator classes surcharged more than adult operator classes.)

4 MCAR § 1.9088 **Examples of surcharge plan.** Each company must display on the statement two examples of how their surcharge plan works. One example must show a one-vehicle insured with a \$200 premium. The second example must show a

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

ADOPTED RULES

two-vehicle insured, with a \$200 premium on one vehicle and a \$300 premium on the second vehicle. The required format of these examples is contained in Exhibit 4 MCAR § 1.9088-1.

If the amount of the surcharge varies ~~because of different factors such as~~ between territories, use the highest rated ~~factor~~ territory and furnish that information on the example.

If the premium includes expenses which are not surcharged, follow this procedure: If there is an \$80 bodily injury, property damage premium, expenses of \$7, and a 20 percent surcharge, the premium for one chargeable accident would be \$94.60. ($\$80 - \$7 = \73; $\$73 \times .20 = \14.60 ; $\$14.60 + \$80 = \$94.60$.) This procedure must be explained on the example.

Exhibit 4 MCAR 1.9088-1 Surcharge plan formats

The formats contained in this exhibit must be used, but additional information may be included ~~to explain unusual situations.~~

A. [Unchanged.]

B. Two vehicles insured. Accidents chargeable to the ~~principle~~ principal operator of vehicle number one, while operating vehicle number one.

[Remainder of B. unchanged.]

SUPREME COURT

Decisions Filed Friday, November 5, 1982

Compiled by John McCarthy, Clerk

81-228 State of Minnesota v. Gary Richard Lohmeier, Appellant. Kanabec County.

Record on appeal establishes that evidence of defendant's guilt was sufficient, that trial court did not err in denying motion for a change of venue, and that postconviction court properly concluded that defendant failed to establish that his trial counsel did not represent him effectively.

Affirmed. Amdahl, C. J. Took no part, Peterson, J.

82-647 Duncan Electric Co., Inc. v. Trans Data, Inc., Appellant. Hennepin County.

Amdahl, C. J.

81-721 State of Minnesota v. Jon Joseph Williams, Appellant. Ramsey County.

Evidence was sufficient to support defendant's convictions of assault in the first degree and criminal sexual conduct in the first degree, and trial court did not err in admitting *Spreigl* evidence establishing defendant's involvement in an earlier similar act of misconduct.

Affirmed. Otis, J. Took no part, Peterson, J.

81-1236 Richard Hovet v. City of Bagley, Appellant. Clearwater County.

The Minnesota Recreational Use Statute, Minn. Stat. § 87.01-03 (1980), does not apply to land owned by a municipality, and hence the city cannot rely on the statute to avoid liability for injuries sustained due to allegedly negligent operation of a municipal beach.

Affirmed. Peterson, J.

82-65 Flora Fischer, *et al.*, Appellants, v. City of Sauk Rapids. Benton County.

Adverse title cannot be acquired against a municipality even where open, notorious and hostile possession has continued for more than fifteen years, and where the city at one time acquiesced in not using the disputed property for its own benefit.

Minn. Stat. § 541.01 (1980), does not distinguish between adverse possession of state or municipal lands, nor between lands held by a municipality in its governmental or its proprietary capacity.

Minn. Stat. § 541.01 (1980), protects all lands belonging to the state or a municipality against adverse possession, in the absence of nonuser, acquiescence, and an affirmative act which indicates intent to abandon the use of the land.

Affirmed. Todd, J.

81-1331 *State of Minnesota v. Charles Jackson, Appellant. Hennepin County.*

Under Minn. R. Evid. 410, statements, made by a defendant for a presentence investigation report ordered by the court as part of the proceedings to determine whether or not the plea agreement will be accepted, are inadmissible in a subsequent trial after the guilty plea is withdrawn, whether offered as substantive evidence or for impeachment.

Reversed and remanded. Simonett, J.

82-56 *State of Minnesota v. Brad Suedel, Appellant. Hennepin County.*

Evidence of defendant's participation in aggravated robbery of drug store was sufficient, and trial court properly admitted evidence that warranted search of defendant's apartment at the time of his arrest two days after the robbery resulted in the discovery of drugs and drug paraphernalia.

Affirmed. Kelley, J. Took no part, Yetka, J.

52031 *In the Matter of the Application for the Discipline of Dennis J. Murphy an Attorney at Law of the State of Minnesota. Supreme Court.*

Per Curiam.

Order Filed October 25, 1982

81-657 *Minnesota Board of Medical Examiners v. Thomas E. Murr, D.C., Appellant. Dakota County.*

Affirmed. Amdahl, C. J. Took no part, Coyne, J.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Administration

Notice of Request for Proposals for Rental of Office Space

The Department of Administration desires proposals for the rental of approximately 7,100 useable square feet of office space for the State University System in Downtown St. Paul.

Contact:

Department of Administration
Real Estate Management Division
50 Sherburne Avenue, Room G-22
St. Paul, Minnesota 55155
Telephone: (612) 296-6674

Proposals must be submitted by 2:00 p.m., November 24, 1982.

Department of Agriculture

Marketing and International Trade Division

Notice of Request for Proposals for Audio-Visual Production

The Marketing and International Trade Division is seeking an audio-visual producer to create a 16 mm motion picture from slides the department possesses.

STATE CONTRACTS

This motion picture will be used to explain the transportation network that moves Minnesota agricultural products from the farm to U.S. coastal export facilities.

Elements of this production will include scripting, slide editing, graphics, sound studio work, projector programming and slide to film conversion.

This project, which will be performed under contract, is outlined in detail in the Request for Proposal (RFP), "Agricultural Transportation Presentation." The formal RFP may be obtained by writing or calling:

Paul Hansen
Marketing and International Trade Division
Minnesota Department of Agriculture
90 West Plato Boulevard
Saint Paul, Minnesota 55107
Phone: (612) 297-3862

The ceiling price for this project is \$17,000. The deadline for submission of proposals is 4:30 p.m., December 6, 1982.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Minnesota State Advisory Council for Vocational Education

Notice of Meeting

The Minnesota State Advisory Council for Vocational Education will meet at 8:00 a.m. on Thursday, November 18, 1982, in R280 Vocational and Technical Education Building, University of Minnesota, 1954 Buford Avenue, St. Paul, Minnesota.

Office of the State Treasurer

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Procedure for Obtaining Approval of Alternative Form of Contractors Retainage

Notice is hereby given that the State Treasurer is seeking information or opinions from sources outside the State Treasurer's Office in preparing to promulgate new rules governing the procedure for obtaining approval from the State Treasurer of alternative forms retainage from contractors involved in construction work for public agencies. The promulgation of these rules is authorized by Minn. Stat. § 15.0412, subd. 3, which requires the adoption of procedural rules, and Minn. Stat. § 15.73, which requires approval by the State Treasurer of alternative forms of retainage.

The State Treasurer requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Mark Johnson
Deputy State Treasurer
State Treasurer's Office
303 Administration Bldg.
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-7091 and in person at the above address.

All statements of information and comment shall be accepted until December 6, 1982. Any written material received by the State Treasurer shall become part of the record in the event that the rules are promulgated.

Jim Lord
State Treasurer

Department of Transportation Technical Services Division

Appointment and Scheduled Meeting of a State Aid Standards Variance Committee

Notice is hereby given that the Commissioner of Transportation has appointed a State Aid Standards Variance Committee who will conduct a meeting on Wednesday, December 1, 1982, at 9:30 a.m. in Room 411, State Transportation Building, John Ireland Boulevard, St. Paul, Minnesota.

This notice is given pursuant to Minnesota Statute § 471.705.

The purpose of the open meeting is to investigate and determine recommendation(s) for variances from minimum State Aid roadway standards as governed by 14 MCAR § 1.5032 M.4.b., Rules for State Aid Operations under Minnesota Statute, Chapters 161 and 162 (1978), as amended.

The agenda will be limited to these questions:

1. Petition of the City of Duluth for a variance from minimum design Standards for Street Width for the Aerial Lift Bridge on Minnesota Avenue.
2. Petition of the City of Minneapolis for a variance from minimum design Standards for Vertical Clearance of the Emerson Avenue South Bridge over the Chicago, Milwaukee, St. Paul and Pacific Railroad.
3. Petition of the City of Minneapolis for a variance from minimum design Standards for Vertical Clearance of the Dupont Avenue South Bridge over the Chicago, Milwaukee, St. Paul and Pacific Railroad.
4. Petition of Faribault County for a variance from minimum design Standards for Diagonal Parking along Franklin Street, in the City of Wells, from Broadway to Second Avenue West.
5. Petition of Clearwater County for a variance from minimum design Standards for Design Speed on CSAH 38 from Trunk Highway 200 to a Point One-Half Mile South.
6. Petition of Nobles County for a variance from minimum design Standards for a Bridge Width on CSAH 7 approximately 1¼ Miles North of CSAH 16.
7. Petition of Rock County for a variance from minimum design Standards for Design Speed along CSAH 8 between T.H. 75, 2 Miles North of Luverne and CSAH 19.
8. Petition of Washington County for a variance from minimum design Standards for Street Width on CSAH 14 from CSAH 21 to T.H. 95.
9. Petition of Hubbard County for a variance from minimum design Standards for Design Speed on CSAH 18 from CSAH 7 to Nevis Township Road No. 118.
10. Petition of Wright County for a variance from minimum design Standards for Design Speed along CSAH 37 from T.H. 25 to C.R. 119; CSAH 39 from T.H. 24 to CSAH 8; and CSAH 37 from CSAH 5 to CSAH 6.
11. Petition of the City of Red Wing for a variance from minimum design Standards for Design Speed along a Portion of Tile Drive, West Main Street, Levee Road and T.H. 61 Access and Egress Ramps.

The Cities and Counties listed above are requested to follow the following time schedule when appearing before the Variance Committee:

9:30 a.m.	City of Minneapolis
10:00 a.m.	Washington County
10:20 a.m.	Wright County
10:40 a.m.	City of Red Wing
11:00 a.m.	City of Duluth
1:00 p.m.	Faribault County
1:30 p.m.	Hubbard County
2:00 p.m.	Clearwater County
2:20 p.m.	Nobles County
2:40 p.m.	Rock County

Dated this 3rd day of November, 1982.

Richard P. Braun
Commissioner of Transportation

OFFICIAL NOTICES

Department of Transportation

Petition of the County of Washington for a Variance from State Aid Standards for Design Speed

Notice is hereby given that the County Board of Washington County has made a written request to the Commissioner of Transportation for a variance from minimum design standards for design speed for C.S.A.H. 21 from 45th Street South to River Road in the City of Afton.

The request is for a variance from 14 MCAR § 1.5032 H.1.b., Rules for State Aid Operations under Minnesota Statutes, Chapters 161 and 162 (1978) as amended, so as to permit a design speed of 30 MPH instead of a minimum design speed of 40 MPH.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated this 8th day of November, 1982.

Richard P. Braun
Commissioner of Transportation

STATE OF MINNESOTA

State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

_____ Annual subscription \$130.00
_____ Single copies \$3.25 each

Minnesota Guidebook to State Agency Services 1982-83 A 750-page reference guide to services provided by Minnesota agencies.

_____ Single copy \$9.00 + \$.45 sales tax = \$9.45 each

Session Laws of Minnesota—1982. One volume. Laws enacted during the 1982 legislative session. Inquire about back volumes. \$35 + \$1.75 (sales tax) = \$36.75.

State Register Binder. Durable 3½ inch, forest green binders imprinted with the *State Register* logo.

_____ *State Register Binder* \$6.00 + \$.30 (sales tax) = \$6.30* each

State Register Index. Contains cumulative findings aids to Volume 6 of the *State Register*, including MCAR Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index. _____ Single copy \$5.00

Worker's Compensation Decisions. Volume 35. Selected landmark decisions of the Worker's Compensation Court of Appeals. Available by annual subscription, with quarterly update service. _____ Annual subscription \$65.00

Documents Center Catalog—Fall 1982. Complete listing of all items available through the Documents Center. Agency rules, brochures, studies, catalogs, maps, prints, commemorative items and much more.

_____ FREE COPY

Minnesota Outdoors Catalog—Fall/Winter 1982-1983. Complete listing of material on the Minnesota outdoor activities. Bikeways, canoeing, county, lake and other maps. Books, charts, rules, laws, posters and more.

_____ FREE COPY

*To avoid Minnesota sales tax, please include your Certificate of Exempt Status issued by the Minnesota Department of Revenue. Please enclose full amount for items ordered. Make check or money order payable to "State of Minnesota."

EACH ORDER MUST INCLUDE ADDITIONAL \$1.00 FOR POSTAGE AND HANDLING.

Name _____
Attention of: _____
Street _____
City _____ State _____ Zip _____
Telephone _____

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155. (612) 296-0504.

Perspectives—Publication about the Senate. Contact Senate Information Office.

Weekly Wrap-Up—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN. (612) 296-2146.

This Week—weekly interim bulletin of the House. Contact House Information Office.

Legislative Reference Library
Room 111 Capitol
Interoffice